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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,925	05/04/2001	Jean-Marc Villaret.	10005203-1	8953

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

JAKETIC, BRYAN J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,925

Applicant(s)

VILLARET ET AL.

Examiner

Bryan Jaketic

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1, 7, 9, and 11 are objected to because of the following informalities: It is unclear from the face of the above claims what DPS stands for. Examiner suggests replacing the first instance of "DPS" with --Data Processing System (DPS)-- in each of the above claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4-14, 16, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Jenkins et al. Jenkins et al disclose a system and method for providing products via an EFTPOS terminal arrangement (see col. 11, lines 18-29) coupled to a plurality of vendor DPSs (150) hosting both payment and non-payment application (see, for example, Fig. 4 and col. 11, lines 18-29) and coupled to a financial institution DPS hosting a second application (see col. 11, lines 18-29), comprising: accessing the first application at the first vendor's DPS via the non-payment application (see col. 6, lines 24-33); selecting a product via the non-payment application (see col. 6, lines 44-48); transmitting a set of customer-specific financial account data to the second application

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on the financial institution DPS (see col. 11, lines 18-29); and receiving a transaction confirmation status (see col. 6, line 66 through col. 7, line 4). Jenkins et al further teach the step of displaying an electronic message received from one of the vendor DPSs (see col. 6, lines 24-30). Jenkins et al further teach a product database that includes a data set identifying a payment amount (see for example, col. 8, lines 27-41) and the step of transmitting the data set to a second vendor DPS in response to receiving transaction confirmation (see col. 9, lines 40-49).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins et al. Jenkins et al disclose all of the limitations of the claims except for the steps of providing advertisements from the vendor or other real-time message. However, advertisements and real-time messages are common in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ advertisements and real-time messages with the invention of Jenkins et al to generate interest among potential consumers.

7. Claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins et al as applied to claims 1 and 12 above, and further in view of Bertina et al. Jenkins et al disclose all of the limitations of the claims except for the step of wirelessly communicating with the EFTPOS terminal. Bertina et al disclose a system for wirelessly communicating with an EFTPOS terminal (see col. 2, lines 5-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Bertina et al with the invention of Jenkins et al to communicate wirelessly with the EFTPOS terminal, because wireless communication is more convenient.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cleeve and Silverbrook disclose EFTPOS terminals that provide products. Elbaum discloses a wireless EFTPOS terminal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Jaketic whose telephone number is (703) 308-0134. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703)308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bj

A handwritten signature in black ink, appearing to be "Bryan Jaketic", written in a cursive style.